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February 26, 2021

VIA ECF

Hon. John G. Koeltl
Senior U.S. District Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 12B
New York, New York 10007-1312

MEMO ENDORSED

Re: ***Rodolfo Tecocoatzi-Ortiz et al. v Just Salad et. al.***
18-cv-07342(JGK)(BM)

Dear Judge Koeltl :

Pursuant to Your Honor's Order of February 23, 2021, the parties jointly submit this Rule 26(f) Report.

(1) Nature of the Action

Plaintiffs bring this action on behalf of themselves and others similarly situated pursuant to the Federal Labor Standards Act ("FLSA") for alleged failure to pay minimum wage and failure to pay overtime. Plaintiffs also bring claims under the New York Labor Law ("NYLL"), New York Codes, Rules, Regulations ("NYCRR") for alleged illegal retention of tips, unlawful deductions,

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failure to pay minimum wage, failure to pay overtime, failure to pay a spread of hours premium, failure to provide meal break periods, failure to maintain adequate records, failure to provide time of hire notice, failure to provide detailed paystub information, unlawful uniform maintenance policy, and failure to reimburse cost and expenses of delivery vehicle.

Defendants deny the plaintiffs' claims and assert that plaintiffs were paid at or above the minimum wage at all times. Defendants further assert that plaintiffs were required with all required notices and were repeatedly notified that a tip credit would be applied to the minimum wage. Moreover, Defendants assert that plaintiffs were given sufficient uniforms and that Defendants plaintiffs were not entitled to reimbursement for delivery vehicles.

(2) Jurisdiction and Venue

The Court has federal question jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as this action is brought under the FLSA, 29 U.S.C. § 201, *et seq.* Specifically, Plaintiffs claim that the Court has jurisdiction as the Defendants are involved in goods that have been moved or produced in interstate commerce and have an annual business volume of at least \$500,000. Plaintiffs assert that the Court has supplemental jurisdiction over the NYLL claims under 28 U.S.C. § 1367(a). Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Defendants conduct business in this District and the alleged acts and omissions giving rise to the alleged claims occurred in this District.

(3) Proposed Agenda for Initial Scheduling Conference

N/A

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(4) Discovery

The parties have served and responded to interrogatories and requests for production.

(5) Proposed Discovery Plan

March 9, 2021	Deadline for Plaintiffs to respond to Defendants' Requests for Admission
March 8, 2021- March 23, 2021	Plaintiffs to be deposed during this time. All thirteen (13) named plaintiffs and three (3) opt-in plaintiffs to be available on each day other than March 10, March 11, and March 17 th .
March 24, 2021- March 31, 2021	Corporate representative for all corporate defendants to be deposed during this period.
March 31, 2021	Any post-deposition document requests to be served by this date
May 1, 2021	Deadline for completion of all discovery.
Expert Discovery	The parties will not be engaging expert witnesses.

(6) Proposed Schedule for Filing Dispositive Motions

Parties wishing to make a motion for summary judgment shall file a pre-motion letter in accordance with Judge Koeltl's individual rules by May 16, 2021.

(7) Subjects on which discovery may be needed:

Plaintiffs intend to conduct discovery regarding the allegations in their Complaint, including but not necessarily limited to, Plaintiffs' employment at the Defendants.

Defendants intend to conduct discovery regarding the allegations in Plaintiffs' Complaint, including but not limited to any claims arising out of Plaintiffs' employment at the Defendants. Defendants also intend to conduct discovery regarding Plaintiffs' claims for damages.

(8) Settlement Discussions

Mediation was unsuccessful in resolving this matter.

(9) Length of Trial

5 Days

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(10) Any Other Information

The parties thank the Court for its time and attention in this matter.

Respectfully Submitted,

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Respectfully Submitted,

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Application GRANTED. The Court adopts the parties' proposed revised discovery schedule in its entirety. The parties again are reminded that this case has been referred to the assigned magistrate judge for general pretrial management. (See Dkt. No. 83.) All non-dispositive discovery motions and requests should be addressed to Judge Moses.

The Clerk of Court is respectfully directed to close the letter-motion at Dkt. No. 95 as moot in light of the revised schedule.

SO ORDERED.



Barbara Moses, U.S.M.J.
March 1, 2021